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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail - Return Receipt Requested

June 18, 2018

Mr. Richard Holland, Managing Partner
HRV Hotel Partners, LLC
3301 Windy Ridge Parkway Suite 310
Atlanta, GA 30339

**Re: Bishops Lodge; Construction Stormwater; SIC 1522; NPDES Compliance Evaluation Inspection;
NPDES #NMU001971; May 23, 2018**

Dear Mr. Holland:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Daniel Valenta at 505-827- 2575 or at daniel.valenta@state.nm.us.

Sincerely,

/s/Sarah Holcomb

Sarah Holcomb
Program Manager
Point Source Regulation Section Surface
Water Quality Bureau

cc: Carol Peters, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN) by e-mail
Darlene Whitten-Hill, USEPA (6EN) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
Robert Italiano, NMED District II by e-mail
Michael Sheppard, msheppard@hrvhotelpartners.com by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 9 7 1 11 12 1 8 0 5 2 3 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 1 A C R E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74 75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Bishops Lodge, 1297 Bishops Lodge Rd. Santa Fe, New Mexico 87506 Santa Fe County	Entry Time /Date 1025/5-23-2018	Permit Effective Date 2-16-2017
	Exit Time/Date 1243/5-23-2018	Permit Expiration Date 2-16-2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. Chad Holland, Developer, 505-910-4915 Mr. Michael Sheppard/ Assistant Developer Director/ office 505-910-4915/cell 505-515-1850	Other Facility Data LAT 35.7328 N LONG -105.9124 E SIC 1522	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Richard Holland, 3301 Windy Ridge Parkway Suite 310, Atlanta, GA 30339/ 678-562-9510	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	M	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
M	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. HRV Hotels Partners LLC., owners of the Bishops Lodge Resort project does not have CGP coverage or buffer zones to protect the Little Tesuque Creek.
2. CEI in response to complaint from the Tesuque Pueblo.
3. Please see further explanations for details.

Name(s) and Signature(s) of Inspector(s) Daniel Valenta /s/Daniel Valenta	Agency/Office/Telephone/Fax NMED/SWQB 505-827-2575	Date 6/18/2018
Signature of Management QA Reviewer Jennifer Foote /s/Jennifer Foote	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2637	Date 6/18/2018

**HRV Hotel Partners
NMU001971
January May 23, 2018**

Further Explanations

Introduction

On May 23, 2018 a Compliance Evaluation Inspection (CEI) was conducted by Daniel Valenta of the NMED SWQB accompanied by Sandra Gabaldon. The construction site entails 19 acres located at 1297 Bishops Lodge Rd. Santa Fe, New Mexico 87506. HRV Hotel Partners, LLC owns the site and is active overseeing activities at the site. The 19-acre construction project is part of the 317-acre holding. The renovations include a restaurant, 92 guest rooms and suites, an Auberge Spa, two swimming pools and 12 residences, among other amenities, according to a press release.

An entrance interview was conducted at the site with Mr. Michael Sheppard, Assistant Development Director, and Mr. Chad Holland, Developer, at approximately 1025 on May 23, 2018. The inspector made introductions, presented his credentials and discussed the purpose of the inspection. A brief exit interview to discuss the preliminary findings of the inspection was conducted at the site with Mr. Michael Sheppard at approximately 1243 on May 23, 2018. This report is based on a review of the EPA online notice of intent (eNOI) database, review of files maintained by NMED, readily available on-line aerial photographs, on-site observation by NMED personnel, and verbal information provided by the site representative.

The Little Tesuque Creek (NM-2118.A_34) flows through the active construction site. A utility culvert and a bridge was built through and over the Little Tesuque Creek. A Nationwide General permit from the Corp. of Engineers covers the disturbance or fill at these points. The Little Tesuque has a TMDL for aluminum. Runoff from the Little Tesuque flows to the Tesuque and thus to the Rio Grande in the Rio Grande Basin segment 20.6.4.121. The designated uses for this segment are domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on Little Tesuque creek.

Clean Water Act and Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *“Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”*

Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b) (14) (x), as follows: *“Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.”*

Beginning on February 16, 2017 storm water discharges associated with construction activities that will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land; or have been designated by EPA as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b) (15) (ii).

Permit coverage is required from the “commencement of construction activities” until “final stabilization” as defined in Appendix A of the USEPA’s 2017 Construction General Permit (CGP).

The 2017 CGP, Definitions, Appendix A, states, “Operator” – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (*e.g. in most cases this is the owner of the site*); or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (*e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project*).

This definition is provided to inform permittees of EPA’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

Per the 2017 CGP 1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline ⁷	Permit Authorization Date ⁸
Operator of a new site (<i>i.e., a site where construction activities commence on or after February 16, 2017</i>)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (<i>i.e., a site with 2012 CGP coverage where construction activities commenced prior to February 16, 2017</i>)	No later than May 17, 2017 .	

Finding:

- Construction began approximately in August 2017.
- Bradbury Stamm Construction Inc. was the general contractor at the site. They submitted an NOI for permit coverage on July 26, 2017 and received coverage under tracking number NMR1000NY.
- Bradbury Stamm Construction Inc. left the Bishop’s Lodge Project and filed a NOT to terminate permit coverage under NMR1000NY on April 18, 2018.
- HRV Hotel Partners LLC. are the owners of the site and have representatives on site. They have not filed for or received permit coverage under the CGP.

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: May 23, 2018	Time: 1125 hours
City/County: Santa Fe/ Santa Fe County		
Location: 1297 Bishop's Lodge Rd., Santa Fe, 87506 New Mexico		
Subject: The old Bishop's Lodge main office building which may date to the 1920's.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: May 23, 2018	Time: 1153 hours
City/County: Santa Fe/ Santa Fe County		
Location: 1297 Bishop's Lodge Rd., Santa Fe, 87506 New Mexico		
Subject: Bishop's Lodge construction site.		



**NMED/SWQB
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: May 23, 2018	Time: 1157 hours
City/County: Santa Fe/ Santa Fe County		
Location: 1297 Bishop's Lodge Rd., Santa Fe, 87506 New Mexico		
Subject: Side entrance, fenced, to construction site. Arrows point to what appears to be downcutting from discharges.		



**NMED/SWQB
Official Photograph Log**

Photo # 4

Photographer: Daniel Valenta	Date: May 23, 2018	Time: 1204 hours
City/County: Santa Fe/ Santa Fe County		
Location: 1297 Bishop's Lodge Rd., Santa Fe, 87506 New Mexico		
Subject: The arrow points to the Little Tesuque creek which runs through the property. No 50 ft. buffer or BMP's along some sections of the creek.		

